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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/315,656	05/20/1999	SHAUN CARL KERIGAN	UK9-99-055	6786

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EXAMINER

JACKSON, JENISE E

ART UNIT PAPER NUMBER

2131

DATE MAILED: 08/14/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/315,656

Applicant(s)

KERIGAN ET AL.

Examiner

Jenise E Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7. 6) ☐ Other: .

DETAILED OFFICE ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 8-18, 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Pinder et al.
3. As per claims 1, 13, Pinder et al. discloses processing an encrypted data stream within a computer system adapted to receive the encrypted data stream from a data storage device(i.e. service distribution organization, (103)(see col. 4, lines 16-20, 37-45, col. 7, lines 26-38, 50-56), a data output device coupled to the computer system and having a plurality of data output areas(see col. 4, lines 13-45, col. 7, lines 26-38, 50-56), means for transferring the encrypted data stream from the data storage device to one of the plurality of data output areas, and the encrypted data stream being for output to one of the plurality of data output areas(see col. 4, lines 13-45, col. 7, lines 26-38), decryption means associated with the data output device for receiving the encrypted data stream and for decrypting the encrypted the encrypted data stream to produce a clear data stream for output to one of the plurality of data output areas, wherein the decryption means receives a decryption key from the computer system, the decryption key relating only to

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the encrypted data stream associated with the plurality of data output areas(see col. 4, lines 37-60, col. 7, lines 26-38).

4. As per claims 2-3, 14-15, Pinder et al. discloses the decryption key is transmitted during an interval between transmission of successive images or lines to the data output device and is protected by a suitable secure code(i.e. DES algorithm)(see col. 4, lines 37-45, col. 6, lines 21-29). The Examiner asserts that transmitting a decryption key during an interval of successive images is inherent in Mpeg standard.

5. As per claims 4, 16, Pinder et al. discloses data associated with the one of the plurality of data output areas is not output if the decryption key associated with the one of the plurality of data output areas is not received, the Examiner asserts that Pinder et al. discloses this because each channel, such as history channel has a key pair associated with it, the decryption key must be received in order to decrypt or output channel to output area(see col. 4, lines 13-45, col. 8, lines 39-58), data associated with others of the plurality of data output areas is output independent of the receipt or non-receipt of the decryption key associated with the one of the plurality of data output areas, the Examiner asserts that Pinder discloses this because Pinder discloses that channels have a key such as history channel, thus whether the history channel is output or not is not contingent upon other channels which can be output such as pay per view(see col. 4, lines 15-31, col. 12, lines 46-67, col. 13, lines 24-46).

6. As per claims 5, 17, Pinder et al. discloses a data output device is a computer display, and the data output areas are windows displayed on the display is inherent, the Examiner asserts that Pinder discloses this because, Pinder et al. discloses that the service reception component(333), could be a personal computer, thus if a personal computer is used the output would be the display

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in windows on the computer screen of different channels(see col. 4, lines 37-59, col. 7, lines 26-39).

7. As per claims 6, 18, Pinder et al. discloses data associated with one of the others of the plurality of data output areas is an encrypted data stream having a decryption key that differs from the decryption key associated with the encrypted data associated with the one of the plurality of data output areas(see col. 4, lines 14-31, 37-46).

8. As per claims 8, 20, the decryption key contains an indication of the number of data output areas associated with the data output device which output encrypted data(col. 4, lines 15-31, col. 9, lines 30-32).

9. As per claims 9, 21, Pinder et al. discloses a decryption key contains an indication of the relative location of the data output areas where the clear data stream is to be displayed(see col. 4, lines 14-54).

10. As per claims 10, 22, Pinder discloses wherein the decryption key contains an indication of the size of the data output area where the clear stream is to be displayed is inherent in Mpeg(see col. 4, lines 36-67, col. 5, lines 1-10, col. 18, lines 23-36)

11. As per claim 11, Pinder et al. discloses wherein the data storage device is a DVD storage device(see col. 7, lines 50-55).

12. As per claim 12, Pinder et al. discloses wherein the encrypted data stream is a video data stream and the decryption means includes an MPEG video decoder(see col. 6, lines 21-29, col. 9, lines 53-55).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 7, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinder.

15. Pinder is silent on, data associated with others of the plurality of data output areas is an unencrypted data stream having no decryption key.

16. As per claims 7, 19, wherein data associated with others of the plurality of data output areas is an unencrypted data stream having no decryption key, the Examiner asserts that it would have been obvious to have an output area, such as regular program channels that do not require an unencrypted data stream and have no decryption key, the motivation is that these channels for example 4, 7, 9, are public channels that do not require a key, anyone can view these channels.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E Jackson whose telephone number is (703) 306-0426. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Shiekh can be reached on (703) 305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-0040 for regular communications and (703) 308-6306 for After Final communications.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

August 10, 2003


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100